

# WRITTEN CHALLENGE TO STOESSER RECALL PETITION Page 1

PAGE NUMBER	LINE NUMBER	REASON(S) DESIGNATED WITH CODE NUMBER(S)
1	<del>1</del>	A
1	<del>2</del>	A
1	<del>3</del>	A
1	<del>4</del>	A
1	<del>5</del>	A
1	<del>6</del>	A
1	<del>7</del>	A
1	<del>8</del>	A, B
1	<u>9</u>	A, B, C <i>challenge o.k.</i>
2	<del>3</del>	G, J
2	<del>4</del>	B, G, J
2	<del>5</del>	G, J
2	<del>6</del>	A, G, J
2	<del>7</del>	A, B, G, J
2	<del>8</del>	A, B, G, J
2	<del>9</del>	A, G, J
2	<del>10</del>	A, G, J
3	<del>1</del>	A
3	<del>4</del>	A
4	<del>5</del>	B
4	<del>6</del>	B
5	<del>4</del>	A
5	<del>5</del>	A
5	<del>7</del>	A
5	<del>8</del>	A
6	<del>1</del>	A,
6	<del>4</del>	B, G, I, J
6	<del>5</del>	B, G, I, J
6	<del>6</del>	A, G, I, J
6	<del>7</del>	B, G, I, J
CODE NUMBER	CORRESPONDING REASON	
A	Incomplete address	
B	Not a certified elector	
C	No signature date	
D	Signed twice	
E	Circulator mislead elector as to who the recall was for	
F	Determined invalid by clerk	
G	Circulator presented misleading/deceptive/inaccurate information	
H	Circulator presented political document(s) with no Attribution Statement included	
I	Circulator presented misleading/deceptive/inaccurate information -card	
J	Circulator gave misleading statements	

Only 13 signatures. meet requirements to be challenged.

# WRITTEN CHALLENGE TO STOESSER RECALL PETITION Page 2

PAGE NUMBER	LINE NUMBER	REASON(S) DESIGNATED WITH CODE NUMBER(S)
6	<del>8</del>	G, I, J
6	<del>9</del>	G, I, J
6	<del>10</del>	G, I, J
7	<del>1</del>	A, G, I, J
7	<del>2</del>	A, G, I, J
7	<del>3</del>	A, G, I, J
7	<del>4</del>	G, I, J
8	<del>1</del>	A
9	<del>1</del>	A, G, I, J
9	<del>2</del>	A, G, I, J
9	<del>3</del>	A, G, I, J
9	<del>4</del>	A, G, I, J
9	<del>5</del>	A, G, I, J
9	<del>6</del>	A, G, I, J
9	<del>7</del>	A, G, I, J
9	<del>8</del>	A
9	<del>9</del>	A
9	<del>10</del>	A, G, I, J
10	<del>2</del>	A, B
10	<del>3</del>	A
10	<del>4</del>	A
10	<del>6</del>	A
11	<del>1</del>	A,
11	<del>2</del>	A,
11	<del>4</del>	A,
11	<del>5</del>	A, B,
11	<del>6</del>	A, G, J
11	<del>7</del>	A, G, J
11	<del>8</del>	G, J
11	<del>9</del>	G, J
11	<del>10</del>	G, J
12	<del>1</del>	A
12	<del>2</del>	A
12	<del>3</del>	A, B
12	<del>4</del>	A
12	<del>5</del>	A, B
12	<del>6</del>	A, B
13	<del>1</del>	G, H, J
13	<del>2</del>	G, H, J
13	<del>3</del>	G, H, J
13	<del>4</del>	G, H, J
13	<del>5</del>	B, G, H, J
13	<del>6</del>	G, H, J
13	<u>7</u>	G, H, J <i>challenge</i>

**WRITTEN CHALLENGE TO STOEßER RECALL PETITION Page 3**

PAGE NUMBER	LINE NUMBER	REASON(S) DESIGNATED WITH CODE NUMBER(S)
13	<del>8</del>	G, H, J
13	<del>9</del>	G, H, J
13	<del>10</del>	G, H, J
14	<del>1</del>	G, H, J
14	<del>2</del>	G, H, J
14	<del>3</del>	G, H, J
14	<del>4</del>	G, H, J
14	<del>5</del>	A, B, G, H, J
14	<del>6</del>	A, G, H, J
14	<del>7</del>	G, H, J
14	<del>8</del>	A, G, H, J
14	<del>9</del>	A, G, H, J
14	<del>10</del>	G, H, J
15	<del>1</del>	G, H, J
15	<del>2</del>	G, H, J
15	<del>3</del>	G, H, J
15	<del>4</del>	G, H, J
15	<del>5</del>	G, H, J
15	<del>6</del>	G, H, J
15	<del>7</del>	G, H, J
15	<del>8</del>	G, H, J
15	<del>9</del>	G, H, J
15	<del>10</del>	G, H, J
17	<del>1</del>	B
17	<del>2</del>	B
18	<del>1</del>	A, G, H, J
18	<del>2</del>	G, H, J
18	<del>3</del>	A, G, H, J
18	<del>4</del>	G, H, J
18	<del>6</del>	G, H, J
18	<del>7</del>	G, H, J
18	<del>8</del>	G, H, J
18	<del>9</del>	A, G, H, J
18	<del>10</del>	G, H, J
19	<del>1</del>	A, G, H, J
19	<del>2</del>	A, G, H, J
19	<del>3</del>	A, G, H, J
19	<del>4</del>	A, G, H, J
19	<del>5</del>	A, G, H, J
19	<del>6</del>	A, G, H, J
19	<del>7</del>	A, G, H, J
19	<del>8</del>	G, H, J
19	<del>9</del>	G, H, J
19	<del>10</del>	G, H, J

# WRITTEN CHALLENGE TO STOESEER RECALL PETITION Page 4

PAGE NUMBER	LINE NUMBER	REASON(S) DESIGNATED WITH CODE NUMBER(S)
20	<del>1</del>	G, H, J
20	<del>2</del>	G, H, J
20	<del>3</del>	G, H, J
20	<del>4</del>	G, H, J
20	<del>5</del>	G, H, J
20	<del>6</del>	G, H, J
20	<del>7</del>	G, H, J
20	<del>8</del>	G, H, J
20	<del>9</del>	G, H, J
21	<del>1</del>	G, H, J
21	<del>3</del>	G, H, J
21	<del>4</del>	G, H, J
21	<del>5</del>	G, H, J
21	<del>6</del>	G, H, J
21	<del>7</del>	G, H, J
21	<del>8</del>	G, H, J
21	<del>9</del>	G, H, J
21	<del>10</del>	G, H, J
22	<del>2</del>	A
22	<del>3</del>	A
22	<del>4</del>	A
22	<del>5</del>	A
22	<del>6</del>	A
22	<del>7</del>	A
22	<del>8</del>	A
22	<del>9</del>	A
22	<del>10</del>	A, B challenge OK
23	<del>1</del>	G, H, J
23	<del>2</del>	G, H, J
23	<del>4</del>	G, H, J
23	<del>5</del>	B, G, H, J
23	<del>6</del>	G, H, J
23	<del>7</del>	G, H, J
23	<del>8</del>	B, G, H, J
23	<del>9</del>	G, H, J
23	<del>10</del>	G, H, J
24	<del>1</del>	A
24	<del>2</del>	A, B
24	<del>3</del>	A, B
24	<del>4</del>	B
25	<del>4</del>	B
25	<del>6</del>	B
26	<del>1</del>	A, G, H, J OK
26	<del>2</del>	B, G, H, J
26	<del>3</del>	B, G, H, J challenged OK

# WRITTEN CHALLENGE TO STOESSERT RECALL PETITION Page 5

PAGE NUMBER	LINE NUMBER	REASON(S) DESIGNATED WITH CODE NUMBER(S)
27	<del>1</del>	A
27	<del>2</del>	A
27	<del>3</del>	A
27	<del>4</del>	A
27	<del>5</del>	A
27	<del>6</del>	A
27	<del>7</del>	A
27	<del>8</del>	A
27	<del>9</del>	A
27	10	A
28	<u>8</u>	Signed after end date 5-26 vs 5-25 <i>challenge</i>
29	<del>1</del>	B
29	<del>2</del>	B
29	<del>4</del>	B
29	<del>5</del>	B
29	<del>6</del>	B
29	<del>7</del>	A
29	<del>8</del>	B
29	<del>9</del>	B
30	<del>1</del>	B
30	<del>2</del>	B
30	<del>3</del>	B
30	<del>4</del>	A
30	<del>5</del>	A, B
30	<del>6</del>	B
30	<del>7</del>	A, B
30	<u>8</u>	B
30	<del>9</del>	A
30	10	B
31	<del>1</del>	A, B
31	<del>2</del>	A, B
31	<del>3</del>	A, B
31	<del>4</del>	A, B
31	<del>5</del>	B
31	<del>6</del>	A, B
31	<del>7</del>	A, B
31	<del>8</del>	A, B
31	<del>9</del>	A, B
32	<del>1</del>	A, B
32	<del>2</del>	A, B
32	<del>3</del>	A
32	<del>4</del>	A
32	<del>5</del>	A
32	<del>6</del>	A

# WRITTEN CHALLENGE TO STOESSERT RECALL PETITION Page 6

PAGE NUMBER	LINE NUMBER	REASON(S) DESIGNATED WITH CODE NUMBER(S)
34	<del>8</del>	B
35	<del>5</del>	A
36	<del>1</del>	A
36	<del>2</del>	A
36	<del>3</del>	B
38	<del>1</del>	A, B, G, H, J
38	<del>2</del>	G, H, J
38	<del>3</del>	A, G, H, J
38	<del>4</del>	A, G, H, J
38	<del>5</del>	A, G, H, J
39	<del>1</del>	A
39	<del>2</del>	A
39	<del>3</del>	A, B
40	<del>1</del>	A
40	<del>2</del>	A
40	<del>3</del>	A
40	<del>4</del>	A
40	<del>5</del>	A
41	<u>1</u>	A, B, F Challenge OK
41	<del>2</del>	A OK
41	<del>3</del>	A OK
42	<del>1</del>	A
42	<del>2</del>	A
43	<del>1</del>	A, G, H, J
43	<del>2</del>	B, G, H, J
43	<del>3</del>	A, B, G, H, J
43	<del>4</del>	A, G, H, J,
43	<del>5</del>	A, G, H, J
45	<del>1</del>	G, H, J
45	<del>2</del>	G, H, J
45	<del>3</del>	G, H, J
45	<u>4</u>	G, H, J challenge OK
45	<del>5</del>	G, H, J
45	<del>6</del>	G, H, J
45	<del>7</del>	G, H, J
45	<del>8</del>	G, H, J
46	<del>1</del>	A
	<del>2</del>	A, B
	<del>3</del>	A
	<del>4</del>	A, B
	<del>5</del>	A
	<del>6</del>	A
	<del>7</del>	A
	<del>8</del>	A

**WRITTEN CHALLENGE TO STOESEER RECALL PETITION Page 7**

PAGE NUMBER	LINE NUMBER	REASON(S) DESIGNATED WITH CODE NUMBER(S)
48	<u>1</u>	C, F <i>Challenge OK (Date)</i>
48	<u>2</u>	A, B
48	<u>6</u>	A, B
48	<u>7</u>	A, B
48	<u>8</u>	A, F
49	<u>1</u>	B
49	<u>3</u>	A
49	<u>4</u>	B
51	<u>7</u>	A
52	<u>2</u>	A, B
52	<u>3</u>	A, B
52	<u>5</u>	D (1-1, 4-12-10) <i>challenge OK</i>
53	<u>1</u>	G, J
53	<u>2</u>	G, J
53	<u>3</u>	G, J
53	<u>5</u>	A
53	<u>6</u>	A, G, J
53	<u>7</u>	G, J
53	<u>8</u>	A, G, J
53	<u>9</u>	A, G, J
53	<u>10</u>	A, B, G, J
54	<u>1</u>	A, B, G, J
54	<u>2</u>	A, G, J
54	<u>3</u>	A, G, J
54	<u>4</u>	G, J
54	<u>5</u>	G, J
54	<u>6</u>	A, B, G, J
54	<u>7</u>	A, G, J
54	<u>8</u>	A
55	<u>1</u>	G, J
55	<u>2</u>	G, J
55	<u>3</u>	G, J
55	<u>4</u>	G, J
55	<u>5</u>	G, J
55	<u>6</u>	G, J
56	<u>1</u>	A, B, F, G, J <i>Challenge OK (VET resident)</i>
56	<u>2</u>	A, G, J
56	<u>4</u>	A, B, G, J
56	<u>5</u>	A, G, J
56	<u>6</u>	A, D, F, G, J <i>challenge OK signed twice</i>
56	<u>7</u>	A, G, J
56	<u>8</u>	A, G, J
56	<u>9</u>	A, G, J
56	<u>10</u>	A, G, J
57	<u>1</u>	A
57	<u>2</u>	A

# **WRITTEN CHALLENGE TO STOESSER RECALL PETITION Page 8**

PAGE NUMBER	LINE NUMBER	REASON(S) DESIGNATED WITH CODE NUMBER(S)
57	<del>5</del>	G, J
57	<del>6</del>	A, B, G, J
57	<del>7</del>	A, B, G, J
57	<del>8</del>	G, J
57	<del>9</del>	G, J
57	<del>10</del>	G, J
58	<del>1</del>	A
58	<del>2</del>	A
58	<del>3</del>	A
59	<del>4</del>	B
60	<del>1</del>	A
60	<del>5</del>	A, B
60	<del>6</del>	B
61	<del>1</del>	A
61	<del>2</del>	A
61	<del>3</del>	A
61	<del>4</del>	A
62	<del>1</del>	A
62	<del>2</del>	A
62	<del>3</del>	A
63	<del>1</del>	B
63	<del>2</del>	E
63	<del>3</del>	A, E
63	<del>4</del>	A, B, E
63	<u>5</u>	A, D (19-3, 5-8-10), E challenge OK
63	<del>6</del>	A, E
63	<u>7</u>	A, B, E challenge OK
63	<del>8</del>	A, E
63	<del>9</del>	E
63	<del>10</del>	A
64	<del>1</del>	A, E
64	<del>2</del>	A, B, E
64	<del>3</del>	A, E
64	<del>4</del>	A, E
64	<del>5</del>	A, E
64	<del>6</del>	A, E
64	<del>7</del>	A, E
64	<del>8</del>	A, E
64	<del>9</del>	A, B, E
65	<del>3</del>	A
65	<del>4</del>	A
65	<del>5</del>	A
65	<del>6</del>	A
65	<del>8</del>	A



**WRITTEN CHALLENGE TO STOESSERT RECALL PETITION Page 9**

[illegible]

# State of Wisconsin\Government Accountability Board

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<http://gab.wi.gov>



JUDGE GORDON MYSE  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

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July 9, 2010

Martin John Stoesser  
W1777 Lake Road  
Mukwonago, Wisconsin 53149

Dear Mr. Stoesser:

I am writing with regard to the Complaint you filed with our office on June 16, 2010 and the supplemental documents filed on June 25, 2010. Your Complaint alleges that Town of East Troy Clerk Kim Buchanan violated the law or abused her discretion by issuing a Certificate of Sufficiency following her review of a petition seeking your recall from the office of Town Board Chair for the Town of East Troy.

After careful review of the materials you submitted, as well as the recall petition itself, I have determined that the Complaint does not state probable cause to establish that Clerk Buchanan violated the election laws or abused her discretion. Therefore, pursuant to §5.06, Wis. Stats, and § GAB 20.04, Wis. Adm. Code, the Government Accountability Board will take no further action regarding your complaint. This correspondence outlines the reasons for this decision.

Based upon the information submitted, the following sequence of events took place:

1. On June 10, 2010, you filed a challenge to the petition requesting your recall from office which had been submitted to the Town Clerk.
2. On June 11, 2010, Barbara Church filed a response to your challenge on behalf of the recall petitioners.
3. On June 14, 2010, you filed a reply with the Town Clerk.
4. On June 15, 2010, Clerk Buchanan issued a Certificate of Sufficiency, finding that the recall petition was in proper form and contained sufficient valid signatures. The Certificate stated that 446 signatures were required, and that 548 valid signatures were submitted on 70 pages.
5. On June 16, 2010, you filed a Complaint with the Government Accountability Board (the Board), alleging that the recall petition failed to provide sufficient valid signatures, and that Clerk Buchanan had violated the law or abused her discretion in issuing the Certificate of Sufficiency. The Complaint also made other allegations regarding the Town Clerk that are unrelated to the election laws under the jurisdiction of the Board and that will not be addressed in this correspondence.
6. On June 17, 2010, Staff Counsel Michael Haas sent you a letter confirming receipt of your Complaint and stating that, without further information the Complaint did not

contain sufficient firsthand evidence to warrant requiring a response from the Town Clerk. The correspondence also declined your request to issue a stay of the recall process pending a final disposition of your Complaint.

7. On June 18, 2010, the East Troy Town Board met and scheduled the recall election for July 27, 2010.
8. On June 25, 2010, you submitted additional evidence and documentation to the Board in support of the allegations in your Complaint.

The Complaint lists ten different reasons you believe various signatures of the recall petition should be found to be invalid. I have enclosed a copy of your 9-page chart identifying which reasons you have assigned to each signature you believe to be invalid. The enclosed copy also includes notes created by the Town Clerk indicating that each challenge had been reviewed, and identifying 13 signatures which the Town Clerk found to be insufficient. A total of 548 remaining signatures were counted as valid by the Clerk, 102 signatures more than were required.

Under Wisconsin Statutes, the burden of proof for any challenge of a signature on a recall petition rests with the challenger, and any challenge must be supported by affidavit or other supporting evidence demonstrating a failure to comply with statutory requirements governing recall petitions. §9.10(2)(g) and (h), Wis. Stats. In addition, the Board's administrative rules state that any information which appears on a recall petition is entitled to a presumption of validity, and that where any required item of information is incomplete, the clerk shall accept the information as complete if there has been substantial compliance with the law. §§GAB 2.05(4) and (5); 2.09, Wis. Adm. Code.

After a review of each reason stated and each signature, the following conclusions apply to each of your allegations (except for Category F, containing signatures the Clerk found to be invalid):

**Category A - Incomplete address:** Your June 14, 2010 letter to Clerk Buchanan, which was submitted in support of your Complaint, alleges that the recall petition contains 233 addresses that are incorrect or are not complete, as identified on the enclosed chart. Under §9.10(2)(e)4., a signature may not be counted as valid if the residency of the signer cannot be determined by the address given. Sections GAB 2.05(12) and 2.09 of the Administrative Code also states that a complete address, including municipality of residence for voting purposes, and the street and number of the residence, shall be listed for each signer.

Your Complaint does not specify why you believe any of the 233 signatures identified under Category A contain addresses that are incorrect or incomplete. Based on a comparison of the other signatures on the petition, however, it appears that you believe that the addresses you have included under Category A are incomplete because they lack a zip code (although several of the addresses cited do include a zip code). All of the addresses identified in Category A contain a street name and number and municipality of residence.

The purpose of the address requirement is to verify that the signer resides in the Town of East Troy, not to verify the mailing address. A zip code is not required for the Clerk to determine the residency of the signer, and is not required to be included on the recall petition. Therefore, without any evidence that any of the specific addresses are incorrect, I cannot find probable cause to determine that the Clerk violated the law or abused her discretion in counting as valid each of the signatures you have identified in Category A.

**Category B – Not a certified elector:** Your 9-page chart identifies signatures of individuals that you allege to be not certified electors. Your Complaint does not provide evidence supporting this allegation, but your letter of June 14, 2010 to Clerk Buchanan states that 100 signers are not on the current voter list. As indicated in the letter from Attorney Haas, signatures may not be invalidated solely because the individual is not currently a registered voter. Pursuant to §9.10(1), Wis. Stats., any qualified elector of the Town has the right to sign the recall petition. A qualified elector must meet the requirements to be an eligible voter, such as age and residency, but does not need to be registered to vote. Therefore, without evidence that a specific individual fails to meet the qualifications to be an eligible voter, the fact that an individual does not appear on the current list of registered voters is not sufficient reason to invalidate a signature.

You also submitted to the Board a membership roster of the Lake Beulah Yacht Club, which you allege indicates dual addresses of a significant number of the recall signers. Your Complaint does not specify which signers you believe should be invalidated due to this evidence, and the membership roster does not by itself establish that an individual is not a resident of the Town of East Troy. More to the point, however, Clerk Buchanan indicates that you did not submit this information to her with your challenge and therefore she did not have the opportunity to weigh whether or not the Yacht Club roster was sufficient evidence to invalidate any of the signatures.

For these reasons, I cannot find probable cause to determine that Clerk Buchanan violated the law or abused her discretion in counting as valid each of the signatures you have identified in Category B.

**Category C – No signature date:** You identified two signatures as lacking a signature date, located on page 1, line 9, and page 48, line 1 of the recall petition. As indicated in the Clerk's notes on the enclosed chart, the Clerk agreed with your challenge related to those two signatures, and found them to be invalid. Accordingly, I cannot find probable cause to determine that Clerk Buchanan violated the law or abused her discretion in her decisions regarding the signatures you have identified in Category C.

**Category D – Signed twice:** Similarly, the Clerk agreed with your challenges to three signatures which appeared to be duplicates, located on page 52, line 5; page 56, line 6; and page 63, line 5 of the recall petition. Therefore, I cannot find probable cause to determine that Clerk Buchanan violated the law or abused her discretion in her decisions regarding the signatures you have identified in Category D.

**Categories E, G, I, and J – Misleading, deceptive, inaccurate information:** Your complaint identifies a number of signatures you believe to be invalid because the circulator misled the elector as to who the recall was for, or presented misleading or deceptive or inaccurate information, either orally or in writing. Your June 10, 2010

# State of Wisconsin\Government Accountability Board

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JUDGE GORDON MYSE  
Chair

KEVIN J. KENNEDY  
Director and General Counsel

---

July 9, 2010

Martin John Stoesser  
W1777 Lake Road  
Mukwonago, Wisconsin 53149

Dear Mr. Stoesser:

I am writing with regard to the Complaint you filed with our office on June 16, 2010 and the supplemental documents filed on June 25, 2010. Your Complaint alleges that Town of East Troy Clerk Kim Buchanan violated the law or abused her discretion by issuing a Certificate of Sufficiency following her review of a petition seeking your recall from the office of Town Board Chair for the Town of East Troy.

After careful review of the materials you submitted, as well as the recall petition itself, I have determined that the Complaint does not state probable cause to establish that Clerk Buchanan violated the election laws or abused her discretion. Therefore, pursuant to §5.06, Wis. Stats, and § GAB 20.04, Wis. Adm. Code, the Government Accountability Board will take no further action regarding your complaint. This correspondence outlines the reasons for this decision.

Based upon the information submitted, the following sequence of events took place:

1. On June 10, 2010, you filed a challenge to the petition requesting your recall from office which had been submitted to the Town Clerk.
2. On June 11, 2010, Barbara Church filed a response to your challenge on behalf of the recall petitioners.
3. On June 14, 2010, you filed a reply with the Town Clerk.
4. On June 15, 2010, Clerk Buchanan issued a Certificate of Sufficiency, finding that the recall petition was in proper form and contained sufficient valid signatures. The Certificate stated that 446 signatures were required, and that 548 valid signatures were submitted on 70 pages.
5. On June 16, 2010, you filed a Complaint with the Government Accountability Board (the Board), alleging that the recall petition failed to provide sufficient valid signatures, and that Clerk Buchanan had violated the law or abused her discretion in issuing the Certificate of Sufficiency. The Complaint also made other allegations regarding the Town Clerk that are unrelated to the election laws under the jurisdiction of the Board and that will not be addressed in this correspondence.
6. On June 17, 2010, Staff Counsel Michael Haas sent you a letter confirming receipt of your Complaint and stating that, without further information the Complaint did not

contain sufficient firsthand evidence to warrant requiring a response from the Town Clerk. The correspondence also declined your request to issue a stay of the recall process pending a final disposition of your Complaint.

7. On June 18, 2010, the East Troy Town Board met and scheduled the recall election for July 27, 2010.
8. On June 25, 2010, you submitted additional evidence and documentation to the Board in support of the allegations in your Complaint.

The Complaint lists ten different reasons you believe various signatures of the recall petition should be found to be invalid. I have enclosed a copy of your 9-page chart identifying which reasons you have assigned to each signature you believe to be invalid. The enclosed copy also includes notes created by the Town Clerk indicating that each challenge had been reviewed, and identifying 13 signatures which the Town Clerk found to be insufficient. A total of 548 remaining signatures were counted as valid by the Clerk, 102 signatures more than were required.

Under Wisconsin Statutes, the burden of proof for any challenge of a signature on a recall petition rests with the challenger, and any challenge must be supported by affidavit or other supporting evidence demonstrating a failure to comply with statutory requirements governing recall petitions. §9.10(2)(g) and (h), Wis. Stats. In addition, the Board's administrative rules state that any information which appears on a recall petition is entitled to a presumption of validity, and that where any required item of information is incomplete, the clerk shall accept the information as complete if there has been substantial compliance with the law. §§GAB 2.05(4) and (5); 2.09, Wis. Adm. Code.

After a review of each reason stated and each signature, the following conclusions apply to each of your allegations (except for Category F, containing signatures the Clerk found to be invalid):

**Category A - Incomplete address:** Your June 14, 2010 letter to Clerk Buchanan, which was submitted in support of your Complaint, alleges that the recall petition contains 233 addresses that are incorrect or are not complete, as identified on the enclosed chart. Under §9.10(2)(e)4., a signature may not be counted as valid if the residency of the signer cannot be determined by the address given. Sections GAB 2.05(12) and 2.09 of the Administrative Code also states that a complete address, including municipality of residence for voting purposes, and the street and number of the residence, shall be listed for each signer.

Your Complaint does not specify why you believe any of the 233 signatures identified under Category A contain addresses that are incorrect or incomplete. Based on a comparison of the other signatures on the petition, however, it appears that you believe that the addresses you have included under Category A are incomplete because they lack a zip code (although several of the addresses cited do include a zip code). All of the addresses identified in Category A contain a street name and number and municipality of residence.

The purpose of the address requirement is to verify that the signer resides in the Town of East Troy, not to verify the mailing address. A zip code is not required for the Clerk to determine the residency of the signer, and is not required to be included on the recall petition. Therefore, without any evidence that any of the specific addresses are incorrect, I cannot find probable cause to determine that the Clerk violated the law or abused her discretion in counting as valid each of the signatures you have identified in Category A.

**Category B – Not a certified elector:** Your 9-page chart identifies signatures of individuals that you allege to be not certified electors. Your Complaint does not provide evidence supporting this allegation, but your letter of June 14, 2010 to Clerk Buchanan states that 100 signers are not on the current voter list. As indicated in the letter from Attorney Haas, signatures may not be invalidated solely because the individual is not currently a registered voter. Pursuant to §9.10(1), Wis. Stats., any qualified elector of the Town has the right to sign the recall petition. A qualified elector must meet the requirements to be an eligible voter, such as age and residency, but does not need to be registered to vote. Therefore, without evidence that a specific individual fails to meet the qualifications to be an eligible voter, the fact that an individual does not appear on the current list of registered voters is not sufficient reason to invalidate a signature.

You also submitted to the Board a membership roster of the Lake Beulah Yacht Club, which you allege indicates dual addresses of a significant number of the recall signers. Your Complaint does not specify which signers you believe should be invalidated due to this evidence, and the membership roster does not by itself establish that an individual is not a resident of the Town of East Troy. More to the point, however, Clerk Buchanan indicates that you did not submit this information to her with your challenge and therefore she did not have the opportunity to weigh whether or not the Yacht Club roster was sufficient evidence to invalidate any of the signatures.

For these reasons, I cannot find probable cause to determine that Clerk Buchanan violated the law or abused her discretion in counting as valid each of the signatures you have identified in Category B.

**Category C – No signature date:** You identified two signatures as lacking a signature date, located on page 1, line 9, and page 48, line 1 of the recall petition. As indicated in the Clerk's notes on the enclosed chart, the Clerk agreed with your challenge related to those two signatures, and found them to be invalid. Accordingly, I cannot find probable cause to determine that Clerk Buchanan violated the law or abused her discretion in her decisions regarding the signatures you have identified in Category C.

**Category D – Signed twice:** Similarly, the Clerk agreed with your challenges to three signatures which appeared to be duplicates, located on page 52, line 5; page 56, line 6; and page 63, line 5 of the recall petition. Therefore, I cannot find probable cause to determine that Clerk Buchanan violated the law or abused her discretion in her decisions regarding the signatures you have identified in Category D.

**Categories E, G, I, and J – Misleading, deceptive, inaccurate information:** Your complaint identifies a number of signatures you believe to be invalid because the circulator misled the elector as to who the recall was for, or presented misleading or deceptive or inaccurate information, either orally or in writing. Your June 10, 2010

correspondence to Clerk Buchanan refers to witnesses who described instances of improper statements or information being provided by circulators.

Section 9.10(2)(m), Wis. Stats. provides that no signature may be stricken on the basis that the elector was not aware of the purpose of the petition, unless the purpose was misrepresented by the circulator. The purpose of the recall petition is clearly stated on its face, that is, to recall you from the office of Town Chair. The petition does not mention any other officeholder for which recall is sought. The statement of reason for recall is often, by its nature, a matter of opinion from the perspective of the petitioners. As long as the circulator does not represent that the purpose of the petition is to recall another individual, or to achieve some other result, the circulator is not prohibited from expressing an opinion about issues related to the petition, and signatures may not be invalidated for that reason.

Absent specific, first-hand evidence from signers that the purpose of the petition was misrepresented, signatures may not be stricken based upon an allegation that the elector was not aware of the petition's purpose. Therefore, I cannot find probable cause to determine that the Town Clerk violated the law or abused her discretion in accepting the signatures you have identified in these categories.

**Category H – Circulator presented political documents with no attribution**

**statement:** Your letter of June 10, 2010 to Clerk Buchanan states that two circulators circulated or displayed documents containing political statements which contained no attribution statements. Your 9-page chart identifies a number of signatures you believe should be stricken for this reason.

Section 11.30, Wis. Stats., requires an attribution statement on certain political communications. That statute is a campaign finance regulation, and violations regarding elections for local office are subject to monetary penalties upon prosecution by the local district attorney. The validity of signatures on the recall petition is not affected by whether or not the petitioners complied with the requirement to include an attribution statement on political communications. Therefore, I cannot find probable cause to determine that the Town Clerk violated the law or abused her discretion in accepting the signatures you have identified in Category H.

For all of the above reasons, I have directed that our office close our file regarding your Complaint and take no further action. I am providing a copy of this decision to Clerk Buchanan as well as Walworth County Clerk Kim Bushey so that they may proceed with their respective duties in conducting the recall election scheduled for July 27, 2010. Thank you for contacting the Government Accountability Board with your concerns, and if you have any questions about this matter, please feel free to contact Staff Counsel Michael Haas at 608-266-0136, or at [Michael.haas@wi.gov](mailto:Michael.haas@wi.gov).

**GOVERNMENT ACCOUNTABILITY BOARD**



Kevin J. Kennedy  
Director and General Counsel